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C O N F I D E N T I A L TUNIS 000944

SIPDIS

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TAGS: PHUM KDEM PREL TS

SUBJECT: AMB. RAISES CONCERNS ON ABBOU CONVICTION; NEW
LAWYER ARRESTED

REF: A. A) TUNIS 896

1B. B) TUNIS 894

1C. C) TUNIS 826

Classified By: Amb. William J. Hudson, reasons 1.4 (b) and (d)

11. (C) Summary: The Ambassador reiterated USG concerns about the recent conviction of dissident lawyer Mohamed Abbou to MFA DG Hatem Atallah May 4. Atallah offered a familiar refrain: Abbou broke the law; the GOT is fully committed to democratic reform; Washington should understand that only the GOT can decide the pace of that reform. When the Ambassador responded that this did not appear to Washington as a question of the pace of reform, but rather a step backward, Atallah responded that the Abbou conviction should not be viewed as a trend and that the GOT commitment to reform is solid. Meanwhile, despite these assurances, the GOT arrested and convicted another outspoken lawyer May 3 on charges that were at least two years old. End summary.

12. (C) Ambassador Hudson met with Hatem Atallah, MFA DG for the Americas and Asia (and former Amb. to the U.S.), to reiterate USG concerns about the recent conviction of Mohamed Abbou. Abbou was sentenced 18 months for publishing an on-line article critical of President Ben Ali for inviting Israeli PM Sharon to attend the WSIS in November. He was also sentenced to two years for assaulting a female Tunisian lawyer some time ago (ref A). The Ambassador noted that new Tunisian Ambassador to the U.S. Hachana has been hearing about our concerns in his introductory calls and would likely hear more. The USG is concerned when there is a conviction for expressing one's views in public. The Ambassador underscored the priority that the President and Secretary attach to liberty and freedom of expression in particular. The U.S. looks at the progress made by Tunisia in social and economic spheres and is frustrated that Tunisia's pace of reform on political reform is not in line with these.

13. (C) Atallah said that he is familiar with the priority the USG attaches to democratic reform, but noted that since President Bush's NED speech in November 2003, the U.S. has also been careful to say that the pace of reform cannot be imposed from the outside, but must be decided by each country. President Ben Ali, he continued, has made it clear that the choice of democratic reform is irreversible and moving forward, but that the pace takes into account a range of political, social and economic circumstances unique to Tunisia. Atallah pointed out that there is freedom of expression in Tunisia, but within "the perimeter" set by the law. Abbou had broken the law.

14. (C) The Ambassador agreed that the pace of reform could not be imposed from the outside. He stressed, however, that the Abbou conviction did not appear to the U.S. as a question of pace, but of a step backward. The U.S. is encouraged when it sees positive signals in Tunisia, such as the recent MOU with the ICRC on prison visits and the Human Rights Watch visit, but then we wonder whether they represent a real positive trend when we see something like the Abbou conviction. Atallah responded that the GOT commitment to reform has not changed and we should not view the Abbou case as a trend.

New Lawyer Arrested

15. (C) Despite Atallah's reassurances, the GOT keeps adding fuel to the fire. Another outspoken lawyer -- who happens to be one of Abbou's -- was, according to contacts and press reports, suddenly arrested, arraigned, and sentenced to four months May 3 on contempt charges that are at least two years old. The lawyer in question is also known for complaining about the lack of independence of the judiciary. Meanwhile, the Supreme Magistrates' Council issued a rebuke to lawyers who are denigrating their profession by their "abuses and excesses." The titular head of that council is President Ben Ali.
HUDSON